



PATENT

#17  
5/27/99  
Mh

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants:** D. DeFeo-Jones et al.**Serial No.:** 08/468,161**Case No.:** 19253CA**Filed:** March 6, 1998**For:** NOVEL PEPTIDES**Art Unit:**  
1811**Examiner:**  
S. MarshallThe Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231LETTER

Sir:

RECEIVED  
JUL 31 1998  
GROUP 1800

The above-captioned Continued Prosecution Application (Case 19253CA) was filed by Express Mail on March 6, 1998, prior to the expiration of the period during which Applicants were to pay the Issue Fee for the prior application (Case 19253IB). The CPA Request Transmittal designated the incorrect "prior application number" as well as an incorrect filing date for the prior application and incorrect Express Mail number. That incorrect filing data corresponded to the CPA for the related application Case 19253IC, which was also filed by Express Mail on March 6, 1998.

Applicants are herewith submitting a replacement CPA Request Transmittal which correctly designates the information for the prior application. Applicants are also submitting a copy of the previously submitted CPA Request Transmittal, as well as a copy of the postcard previously submitted and appropriately stamped by the U.S. PTO. Applicants note that the postcard which was submitted and stamped on March 6, 1998 correctly designates Case 19253CA as "a CPA of Case 19253IB". Applicants note that Case 19253IB had Serial. No.


EXPRESS MAIL CERTIFICATE  
DATE OF DEPOSIT July 27, 1998  
EXPRESS MAIL NO. EM358360059US  
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS EXPRESS MAIL "POST OFFICE TO  
ADDRESSEE" BEFORE 5 P.M. ON THE ABOVE DATE IN  
AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER  
FOR PATENTS, WASHINGTON, D.C. 20231.  
MAILED BY [Signature]  
DATE July 27, 1998

08/468,161. Applicants also are submitting a copy of an Information Disclosure Statement submitted with the CPA Request Transmittal which correctly designates the serial number of the Case 19253CA CPA as 08/468,161.

In light of the submitted proofs, Applicants request that the CPA which is a continuation of U.S. Serial. No. 08/468,161 be entered and that examination of that CPA continue the examination of Case 19253IB in light of the new references submitted by the Information Disclosure Statement.

Applicants respectfully thank Ms. Donna Chapman in Group 1600 for assistance in determining what procedures to follow to correct this unintentional error in the preparation of the CPA Request Transmittal.

Respectfully submitted,

By: 

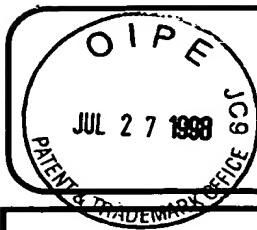
David A. Muthard  
Registration No. 35,297  
Attorney for Applicants

MERCK & CO., INC.  
P.O. Box 2000 - RY 60-30  
Rahway, New Jersey 07065-0907  
Telephone No. (732) 594-3903

Date: July 27, 1998

Please type a plus sign (+) inside this box ☐

PTO/SB/29 (12/97)



**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☒ DUPLICATE

Address to:  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No.	19253CA
	First Named Inventor	D. DeFeo-Jones, et al.
	Express Mail Label No.	EM358360059US
	Total Pages	7 + references

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08 / 468,161,  
filed on 6/6/95, entitled NOVEL PEPTIDES

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

**C-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application 37 CFR 1.53 (d)(4).

a. ☐ **DELETE** the following inventor(s) named in the prior application:

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

07/30/1998 INFORMATION DISCLOSURE STATEMENT (IDS) is enclosed:

01 FC:131

790.00 CH

- ☒ PTO-1449
- ☒ Copies of IDS Citations

MAY 04 1999

MATERIALS CUSTOMER SERVICE CENTER

[Page 1 of 2] (computer generated form No. C6 - Merck & Co., Inc., 1/98)

<b>EXPRESS MAIL CERTIFICATE</b>	
DATE OF DEPOSIT	July 27, 1998
EXPRESS MAIL NO.	EM358360059US
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" BEFORE 5 P.M. ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, BOX CPA, WASHINGTON, D.C. 20231.	
MAILED BY	DATE

MAILED BY Frene Samuel

DATE July 27, 1998

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS	
	TOTAL CLAIMS (37 CFR 1.16(c))	9	-20 =	0	x \$ 22	\$0.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	1	-3 =	0	x \$ 82	\$0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable)(37 CFR 1.16(d))				+ \$270	
					BASIC FEE (37 CFR 1.16(a))	\$790.00
					TOTAL =	\$790.00

6. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 13-2755:

a. ☒ Fees required under 37 CFR 1.16.

b. ☐ Fees required under 37 CFR 1.17.

c. ☐ Fees required under 37 CFR 1.18.

7. ☐ Other:

\_\_\_\_\_

\_\_\_\_\_

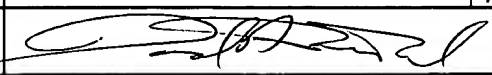
\_\_\_\_\_

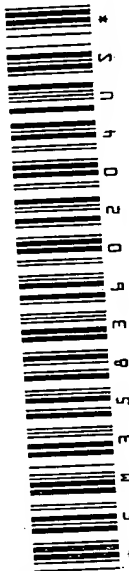
**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

### 10. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>Customer No. 000210</b>  <small>(insert Customer No. or Attach bar code label here)</small> </div>	or <input type="checkbox"/> New correspondence address below
NAME		
ADDRESS		
CITY	STATE	ZIP CODE
COUNTRY	TELEPHONE	FAX

### 11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	DAVID A. MUTHARD	REGISTRATION NO.	35,297
SIGNATURE			
DATE	7/27/98		



POST OFFICE  
TO ADDRESSEE

**EXPRESS MAIL**  
UNITED STATES POSTAL SERVICE



EM358360204US

ORIGIN (POSTAL USE ONLY)

INTERNATIONAL SHIPMENTS ONLY	PO ZIP	Day of Delivery	Relo Envelope
	07065	Next	
Date in	3/6/98	Second	
No.		12 Noon	
Time in	10:45	3 PM	
AM		Military	
Weight	2.65	2nd Day	
lb		Int Alpha Country Code	
oz			
No Delivery		Acceptance	
Weekend		Clerk Initials	
Holiday			

SEE REVERSE SIDE FOR THE  
SERVICE GUARANTEE AND LIMITS  
ON THE INSURANCE COVERAGE

☐ NO DELIVERY ☐ WEEKEND ☐ HOLIDAY

CUSTOMER USE ONLY

METHOD OF PAYMENT: X070505

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or

Postal Service Acct. No.

FROM: (PLEASE PRINT)

MERCK & CO. INC.  
PATENT DEPARTMENT  
PO BOX 2000  
RAHWAY  
Attn: David A. Muthard

PHONE

NJ 07065-0907

TO: (PLEASE PRINT)

ASSISTANT COMMISSIONER  
FOR PATENTS  
BOX 2000  
WASHINGTON

PHONE

CPA 20231-0001

L 19253CA

FOR PICKUP OR TRACKING CALL 1-800-222-1811

PAGE TWO SIX

REC  
JUL 31 1998  
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POST OFFICE  
TO ADDRESSEE

**EXPRESS MAIL**  
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For Pickup or Tracking Call 1-800-222-1811

**ORIGIN (POSTAL USE ONLY)**

<b>INTERNATIONAL SHIPMENTS ONLY</b>  <input type="checkbox"/> Business Papers <input type="checkbox"/> Merchandise  Customs forms and commercial invoice may be required. See Pub. 273 and International Mail Manual.	P.O. ZIP	Day of Delivery Next <input type="checkbox"/> Second <input type="checkbox"/>	<input type="checkbox"/> Flat Rate Envelope
	Date in Mo. <u>3/6/98</u> Day Yr.	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage
	Time in <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt
	Weight lbs oz	Int'l Alpha Country Code	C.O.D.
	No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/>	Acceptance Clerk Initials	Total Postage & Fees

**DELIVERY (POSTAL USE ONLY)**

Delivery Attempt	Time AM <input type="checkbox"/> PM <input type="checkbox"/>	Employee Signature
Mo. Day		
Delivery Attempt	Time AM <input type="checkbox"/> PM <input type="checkbox"/>	Employee Signature
Mo. Day		
Delivery Attempt	Time AM <input type="checkbox"/> PM <input type="checkbox"/>	Employee Signature
Mo. Day		
Signature of Addressee or Agent		
X		
Name - Please Print		
X		

**CUSTOMER USE ONLY**

METHOD OF PAYMENT: <b>X070505</b>	<input type="checkbox"/> <b>WAVES OF SIGNATURE</b> (Domestic Only): I wish delivery to be made without obtaining the signature of the addressee or the addressee's agent (if in the judgment of the delivery employee, the article can be left in a secure location) and I authorize the delivery employee to sign that the shipment was delivered and understand that the signature of the delivery employee will constitute valid proof of delivery.
Express Mail Corporate Acct. No.	
Federal Agency Acct. No. or Postal Service Acct. No.	
<input type="checkbox"/> <b>NO DELIVERY</b>	
<input type="checkbox"/> WEEKEND <input type="checkbox"/> HOLIDAY	
Customer Signature	

FROM: (PLEASE PRINT) PHONE	TO: (PLEASE PRINT) PHONE
<b>MERCK &amp; CO., INC.</b> <b>PATENT DEPARTMENT</b> <b>PO BOX 2000</b> <b>RAHWAY NJ 07065-0907</b> Attn: David A. Muthard	<b>ASSISTANT COMMISSIONER</b> <b>FOR PATENTS</b> <b>BOX APPLICATIONS CPA</b> <b>WASHINGTON DC 20231-0001</b>
L 19253CA	L

EM358360204US

THE PATENT & TRADEMARK OFFICE ACKNOWLEDGES, AND HAS  
STAMPED HEREON, THE DATE OF THE RECEIPT AND THE ASSIGNED  
SERIAL NUMBER OF THE FOLLOWING PATENT APPLICATION:

CASE NUMBER	DATE	ATTORNEY	EXPRESS MAIL <input checked="" type="checkbox"/>
19253CA	3/6/98	DA Muthard	EM358360204US
TITLE			
NOVEL PEPTIDES			
INVENTORS		This is a CPA of Case	
D. DeFeo-Jones, et al.		19253IB	
NO. OF PAGES	NO. OF CLAIMS	PAGES OF DRAWING	
DECLARATIONS		ACCOUNT CHARGE	
		13 - 2755 \$ 790.00	

F1071.3 REV.9/93

BEST AVAILABLE COPY



**PATENT & TRADEMARK OFFICE ACKNOWLEDGES, AND HAS STAMPED HEREON, THE DATE OF THE RECEIPT AND THE ASSIGNED SERIAL NUMBER OF THE FOLLOWING PATENT APPLICATION:** 19253

CASE NUMBER 19253CA	DATE 3/6/98	ATTORNEY DA Muthard	EXPRESS MAIL <input checked="" type="checkbox"/> EM358360204US
TITLE NOVEL PEPTIDES			
INVENTORS D. DeFeo-Jones, et al.		This is a CPA of Case 19253IB	
NO. OF PAGES .	NO. OF CLAIMS	PAGES OF DRAWING MAR 08 1998	
DECLARATIONS .		ACCOUNT CHARGE 13 - 2755 \$ 790.00	

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